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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,332	07/14/2006	Hideaki Yaguchi	128755	1835
25944	7590	05/05/2009	EXAMINER	
OLIFF & BERRIDGE, PLC			RO, BENTSU	
P.O. BOX 320850				
ALEXANDRIA, VA 22320-4850				
			ART UNIT	PAPER NUMBER
			2837	
			MAIL DATE	DELIVERY MODE
			05/05/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/586,332	Applicant(s) YAGUCHI, HIDEAKI	
	Examiner BENTSU RO	Art Unit 2837	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 April 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
SEE THE ATTACHED PAGE.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/BENTSU RO/
 Senior Primary Examiner, Art Unit 2837

ATTACHED PAGE:

The examiner has carefully reviewed applicant's remarks. In view of applicant's remarks the examiner has made the following changes and/or comments:

1. The rejection under 35 USC 103 is withdrawn in view of applicant's remarks regarding the dis-qualification of US PUB 2004/0145338 (Nakamura et al).
2. The rejection under 35 USC 102(e) remains unchanged. Under this rejection, claims 3, 4, 8-10, 13, 14, 18, 22, 25 are rejected as obvious over Nakamura et al teaching in the US PUB 2004/0145338 (Nakamura et al). Applicant is referred to the final office action, date 1/9/2009, paragraph 3 for the details.
3. The examiner has reconsidered the final rejection. The examiner has concluded that the final rejection under 35 USC 102(e) is appropriate. Because the rejection is appropriate, there is no need to change the status of the rejection.
4. If applicant appeals, the examiner would go forward to let the BOARD determine the correctness of the examiner's rejection.
5. Regarding applicant's arguments, the examiner disagrees. At least the examiner disagrees the argument in that:

"Nakamura does not disclose "a capacitor provided between said voltage converter and said first drive circuit," as recited in independent claims 3 and 18."

The examiner disagrees because Nakamura Fig. 1 shows a capacitor 13 connected between the converter 12 and the inverter 14.

The examiner further disagrees the argument in that:

"Further, Nakamura does not disclose "said first drive circuit starts an electric power conversion for driving said first motor in powering module after said voltage step-up operation is completed" as recited in claim 3."

The examiner disagrees because if the step-up operation is not complete, then the DC/DC converter 12 simply cannot provide voltage to the inverter 14 or cannot provide voltage to charge the capacitor 13, see Fig. 1. Thus, as long as the step up DC/DC converter 12 can provide voltage to anyone of the capacitor 13 or the inverter 14, the step-up operation is considered complete. Applicant should note that if the converter 12 is able to provide power to the inverter 14 or the capacitor 13, then the conversion step is considered complete, regardless of the charging status of the capacitor 13 because claim 3 does not recite the "fully charged" of the capacitor 13 as an indication of "completeness" of voltage conversion.

More importantly, Nakamura paragraph [0077] first three lines states that

"Capacitor 13 smoothes DC voltage from DC/DC converter 12, and supplies the smoothed DC voltage to inverter 14."

The word "smooth" implies that the capacitor charge is complete. If the capacitor charge is not complete, then the DC voltage will have ripple due to the incomplete charge of the capacitor. If the DC voltage has voltage ripple, then it is not a "SMOOTHED DC VOLTAGE".

6. The claims are way-way too broad. For the time being, the examiner believes that his office action is appropriate and the status of rejection should not be altered. However, in the future, if there is a need for re-opening the prosecution, the examiner believes that the claims are still rejectable either under 102 using a new reference or under 103 using a combination of a new reference along with the secondary reference USPN 5,994,789 (Ochiai).

/Bentsu Ro/
Senior Primary Examiner
May 2, 2009